FORM PTO 46-59
(5-77) Formerly PTO-1142

U. S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

PART III SERIAL NUMBER 928,111 GROUP ART UNIT 125

NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	1-22	35USC 112 1st + 2nd Para.	—	The claims are rejected for insufficient disclosure. There is not seen in the specification sufficient teachings to enable a person skilled in the art to make and use the compounds claimed with respect (see # 5)
2	1-14 17-22	35USC 103		The claims are rejected as obvious over the C-076 compounds used as starting compounds. The hydrogenation of the double bond in these compounds is deemed prima facie obvious. (see # 6)
3	15-16	35USC 103	A + R	The claims are rejected as obvious over the references. Reference A teaches the reduction of double bonds in macrolides of the type claimed. The use of the catalyst, tris (triphenylphosphine rhodium cl is taught in reference R. To combine (see # 7)
4	1-22	35USC 101 35USC 103		The claims are rejected as obvious double patenting over the claims of copending application SN 838,603.

5 to the preparation of the C-076 compounds used as starting materials nor is one taught the characterization and identification of the products formed.

6 There is not seen in the disclosure sufficient teachings to distinguish the instantly claimed compounds patentable over the that starting compounds e.g., unexpected property or increased activity.

7 the teachings of the references as in the instant
8 process is deemed obvious and within the skill of the art. The references submitted by applicants are acknowledged.

* Capital letters representing references are identified on accompanying Form PTO 46-42. (Formerly PTO-892)
The symbol "v" between letters represents - in view of -.
The symbol "+" or "&" between letters represents - and -.
A slash "/" between letters represents the alternative - or -.

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute (Title 35 of the United States Code) are reproduced on the back of this sheet.

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GROUP ART UNIT 125

35 U.S.C. 100. Definitions. When used in this title unless the context otherwise indicates –

(a) The term "invention" means invention or discovery.

(b) The term "process" means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.

(c) The terms "United States" and "this country" mean the United States of America, its territories and possessions.

(d) The word "patentee" includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

35 U.S.C. 101. Inventions patentable. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

35 U.S.C. 102. Conditions for patentability; novelty and loss of right to patent. A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication is this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or cause to be patented by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. Conditions for patentability; non-obvious subject matter. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

35 U.S.C. 112. Specification. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. A claim may be written in independent or dependent form, and if in dependent form, it shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.